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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,072	06/25/2003	James M. Doherty	T00430	1071
26381	7590	09/05/2008	EXAMINER	
IP Authority, LLC	Ramraj Soundararajan		AL AUBAIDI, RASHA S	
4821A Eisenhower Ave	Alexandria, VA 22304		ART UNIT	PAPER NUMBER
			2614	
		NOTIFICATION DATE	DELIVERY MODE	
		09/05/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ram@ip-authority.com  
brandi@ip-authority.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,072	<b>Applicant(s)</b> DOHERTY ET AL.
	<b>Examiner</b> RASHA S. AL AUBAIDI	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This in response to amendment filed 06/06/2008. No claims have been added. No claims have been canceled. Claims 1, 9 and 16 have been amended. Claims 1-20 are still pending in this application.

***Claim Rejections - 35 USC § 103***

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US PAT # 6,958,992).

Regarding claim 1, Lee teaches an IP phone (reads on element 102 as shown in Fig. 1) with an assigned phone number (col. 2, lines 28-31) capable of communicating over a packet-based communication protocol, said IP phone (102), said communication device (IP phone 102) comprising: a. DHCP client software, upon an initial power up of said IP phone, to receive an IP address (see col. 2, lines 28-32); b. IP agent software (this reads on the set registration process 204, Fig. 2), upon receiving said IP address (col. 2, lines 50), registering with a DNS switch (element 100, see col. 2, lines 28-32) based upon at least the following parameters: said assigned phone number (col. 2, line 55), said received IP address (see col. 2, lines 28-32), or a MAC address associated with said IP phone (see col. 2, lines 55-57); and wherein, upon successful registration with said DNS switch (see col. 2, lines 46-49), said IP agent software receives a port number and address over which future communications are to be performed (col. 3, lines 13-47).

Even though Lee does teach in Figs. 1, 7 and 8A that the IP phone (102) is located behind a network such as LAN (104).

However, Lee does not teach specifically that the IP phone (102) is located behind a firewall.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an IP located and place in anywhere desired. This will not change anything from the functionality of an IP phone. Placing the IP phone behind a firewall or in other location within a network is basically a design choice.

Claims 4, 9, 12, 16 and 18 are rejected for the same reasons as discussed above with respect to claim 1, respectively.

Regarding claim 2 and 10 recite "An IP phone with an assigned phone number capable of communicating over a packet-based communication protocol, said port number accepts communication requests via any of the following protocols: Session Initiation Protocol (SIP) or Media Gateway Control Protocol (MGCP)". This limitation is obvious because using any specific protocol would be entirely based on the need and desire. Also, protocols such as SIP and/or MGCP are old and well known in the art.

Claims 3, 11 and 17 recite "said IP phone is additionally associated with a backup phone number whereby communications are forwarded to said backup phone number upon any disruptions in communication with said IP phone". See col. 6, lines 21-26.

Claim 5 recites "said communications between said IP agent and said DNS switch is via the TCP/IP protocol". The use of TCP/IP protocol is inherent if not obvious in the Lee reference since Lee specifically discloses the use of an Internet as shown in Figs. 1, 7 and 8A.

For claims 6, 13 and 19, Lee teaches that the set registration process 204 is

where each IP phone gets an IP address. Obviously and changes such as assigning a new IP address would be determined by registration process 204 and the OAM 206 (see col. 2, lines 41-64 and col. 3, lines 13-35).

Claims 7, 14 and 20 are rejected for the same reasons as discussed above with respect to claims 6 and 13. The claimed feature of monitoring changes at pre-set intervals is obvious since this can be done automatically by the system with any preset parameters, such as checking the changes every 10 minutes. This also can be set and determined by an administrator.

For claims 8 and 15, see Figs. 1, 7 and 8A.

#### ***Response to Argument***

4 Applicant's arguments have been fully considered and have been found not persuasive.

Applicant argues (Page 12 of the Remark) that "phone switch' CANNOT be equated to a 'DNS' switch". The Examiner respectfully disagrees. First of all, it is noted that Applicant is placing the comparison between a "DNS switch" and a "phone switch" and ignoring the fact that comparison should be made between a "DNS switch" and "IP phone switch". It is needless to say that the functionality of an "IP phone switch" is absolutely different than just the regular "phone switch". Thus, it is irrelevant to compare an ordinary "phone switch" to more sophisticated phone switch such the "IP

phone switch". Second, both switches disclosed in Applicant's claimed invention and the Lee reference function in the same manner. For Example, it is noted that the "IP phone switch" as disclosed in Lee and the "DNS switch" as recited in claim 1, registers the IP phone.

Also, Applicant argues (Page 13 of the Remarks) "the Examiner still has a burden as to show , with evidence, where in Lee or in the knowledge known in the art, was it obvious to have sent the "public address associated with the firewall" to a "DNS switch". It is noted that, that the claim language does not recite specifically "sending public address associated with the firewall to a DNS switch" or the "public address associated with the firewall is sent to a DNS switch".

The Examiner believes that all other arguments are already addressed in the above rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614

Application/Control Number: 10/604,072

Art Unit: 2614

Page 8